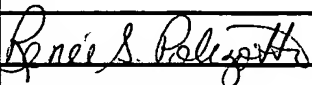


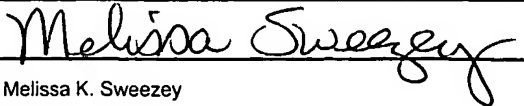
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/520,299	
	Filing Date	07/09.2003	
	First Named Inventor	Rupp	
	Art Unit	N/A	
	Examiner Name	N/A	
Total Number of Pages in This Submission	29	Attorney Docket Number	HYS-B2CIP/US

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Under 37 CFR 1,182; Renewed Petition Under 37 CFR 1.47(a); Return Postcard; Express Mail Label EV 741 236 402 US;
<b>Remarks</b> Petition Fee Transmittal Under 37 CFR 1.17(h);		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Nuvelo, Inc.		
Signature			
Printed name	Renee S. Polizotto, Ph.D.		
Date	Nov. 1, 2006	Reg. No.	53,474

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Melissa K. Swezey	Date	11.1.06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/520,299
Filing Date	7/9/03
First Named Inventor	Rupp
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	HYS-B2CIP/US

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Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 501169:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Renee S. Polizotto  
Signature

Renee Polizotto, Ph.D.

Typed or printed name

November 1, 2006

Date

53474

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/520,299
Filing Date	7/9/03
First Named Inventor	Rupp
Art Unit	N/A
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International Division

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Renee S. Polizotto  
Signature

Renee Polizotto, Ph.D.

Typed or printed name

November 1, 2006

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Docket No. HYS-B2CIP/US

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Legal Staff  
International Division

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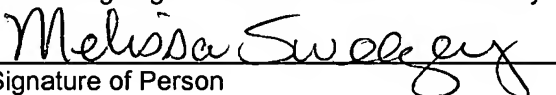
Applicant(s): Rupp, et al.  
Serial No: 10/520,299  
I.A. Serial No. PCT/US03/21703  
I.A. Filing Date: 07/09/2003  
For: METHODS AND  
MATERIALS RELATING  
TO NOVEL NUCLEIC  
ACIDS AND  
POLYPEPTIDES

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.10

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Date: November 01, 2006

Person signing Certificate: Melissa K. Swezey

  
Signature of Person

**RENEWED PETITION UNDER 37 CFR 1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

This Renewed Petition under 37 CFR 1.47(a) is in response to the Decision dated August 01, 2006. Applicants have obtained a current address for inventor Tom Wehrman and have attempted to obtain his signature for the Declaration, Power of Attorney and Assignment documents for the above-identified application.

Applicants contacted Mr. Wehrman by phone on September 18, 2006 at his current place of work, DiscoverX Corporation in Fremont, CA. We were told by Mr. Wehrman to send the documents to his work address: DiscoverX Corporation, 42501 Albrae Street, Fremont, CA 94538. Mr. Wehrman did not give Applicants his home address; instead he wished to receive his mail at his work address. Applicants sent Mr. Wehrman a copy of the patent application and sequence listing with a request to execute the Declaration, Power of Attorney and Assignment documents on September 18, 2006. A copy of the letter transmitting the documents is enclosed herewith as Exhibit A.

The documents were sent to Mr. Wehrman via FedEx as evidenced by Exhibit B. The package was signed for receipt of these documents on September 19, 2006 at 9:13 AM as evidenced by Exhibit C.


Mr. Wehrman has not returned the signed documents nor has he responded to e-mail and phone requests by Applicants' representative for return of the documents as evidenced by Exhibit D.

Applicants respectfully request the Commissioner to declare Mr. Wehrman an uncooperative inventor and allow the remaining inventors to make the application by themselves and the nonsigning inventor. Furthermore, Applicants respectfully request the Commissioner to accept Mr. Wehrman's Fremont, CA address listed above as his address of record where he customarily receives mail.

Since this paper is a request for reconsideration, no additional fee is required. However, the Commissioner is authorized to charge any additional fees, or credit any overpayment, to the Nuvelo, Inc. deposit account no. 50-1169. A duplicate copy of this paper is submitted.

Respectfully submitted,

Date: November 01, 2006

By:   
Renée Polizotto, Ph.D.  
Agent for Applicants  
Reg. No. 53,474  
**Customer No. 34285**  
Nuvelo, Inc.  
201 Industrial Road, Suite 310  
San Carlos, CA 94070  
Tel.: (650) 517.8422  
Fax: (650) 571.8003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

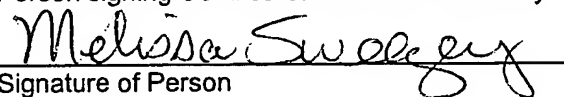
Applicant(s):	Rupp, et al.
Serial No:	10/520,299
I.A. Serial No.	PCT/US03/21703
I.A. Filing Date:	07/09/2003
For:	METHODS AND MATERIALS RELATING TO NOVEL NUCLEIC ACIDS AND POLYPEPTIDES

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.10

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Date: November 01, 2006

Person signing Certificate: Melissa K. Sweezey

  
Signature of Person

**RENEWED PETITION UNDER 37 CFR 1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
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By: Renée S. Polizotto  
Renée Polizotto, Ph.D.  
Agent for Applicants  
Reg. No. 53,474  
**Customer No. 34285**  
Nuvelo, Inc.  
201 Industrial Road, Suite 310  
San Carlos, CA 94070  
Tel.: (650) 517.8422  
Fax: (650) 571.8003

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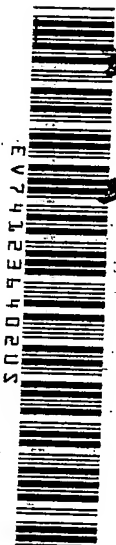
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